

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Hw 600 REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS

PART Env-Hw 601 APPLICABILITY AND EXEMPTIONS

Section Env-Hw 601.01 Applicability

Section Env-Hw 601.02 Exemptions

PART Env-Hw 602 TRANSPORTER REGISTRATION

Section Env-Hw 602.01 Transporter Registration Requirements

PART Env-Hw 603 GENERAL REQUIREMENTS

Section Env-Hw 603.01 Notification

Section Env-Hw 603.02 Notification Information Requirements

Section Env-Hw 603.03 Notification Determination

Section Env-Hw 603.04 EPA Identification Number

Section Env-Hw 603.05 Packaging, Labeling, and Placarding

Section Env-Hw 603.06 Vehicle Identification

Section Env-Hw 603.07 Department of Safety Rules

Section Env-Hw 603.08 Security

Section Env-Hw 603.09 Personnel Training

Section Env-Hw 603.10 Contingency Plan and Emergency Procedures

Section Env-Hw 603.11 Preparedness and Prevention

Section Env-Hw 603.12 Financial Responsibility

PART Env-Hw 604 MANIFESTS

Section Env-Hw 604.01 General Manifest Requirements

Section Env-Hw 604.02 Errors/Discrepancies

Section Env-Hw 604.03 Rail and Water Shipments

Section Env-Hw 604.04 International Shipments

PART Env-Hw 605 RECEIPT OF LIQUID HAZARDOUS WASTE

Section Env-Hw 605.01 Requirements for Receipt of Liquid Hazardous Waste

PART Env-Hw 606 DELIVERY

Section Env-Hw 606.01 Requirements for Delivery

Section Env-Hw 606.02 Inability to Deliver

PART Env-Hw 607 RECORDKEEPING AND REPORTING

Section Env-Hw 607.01 Recordkeeping

Section Env-Hw 607.02 Annual Reporting

Section Env-Hw 607.03 Rail and Water Shipments

Section Env-Hw 607.04 Export Shipments

Section Env-Hw 607.05 Retention of Records During Enforcement Actions

PART Env-Hw 608 EMERGENCY ACTION/REMEDIAL ACTION

Section Env-Hw 608.01 Immediate Discharge Response Actions

Section Env-Hw 608.02 Discharge Cleanup

Section Env-Hw 608.03 Waiver of Manifest, Permit, and Registration Requirements for
Emergency Response

PART Env-Hw 609 REGISTRATION OF HAZARDOUS WASTE TRANSPORTERS

Section Env-Hw 609.01 Registration Process

Section Env-Hw 609.02 Transporter Registration

Section Env-Hw 609.03 Registration Modification

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Section Env-Hw 609.04 Registration Suspension and Revocation

Section Env-Hw 609.05 Registration Denial

Section Env-Hw 609.06 Vehicle and Vessel Requirements

PART Env-Hw 610 STANDARDS FOR HAZARDOUS WASTE TRANSPORTERS WHO TRANSPORT HAZARDOUS WASTE IN NEW HAMPSHIRE AND APPLICANTS FOR TRANSPORTER REGISTRATION

Section Env-Hw 610.01 Background Investigations

Section Env-Hw 610.02 Registrant Integrity and Competence

Section Env-Hw 610.03 Applicant Integrity and Competence

CHAPTER Env-Hw 600 REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 600 as Env-Hw 600. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 600. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 601 APPLICABILITY AND EXEMPTIONS

Env-Hw 601.01 Applicability.

(a) Env-Hw 600 shall apply to all persons transporting hazardous wastes within or through New Hampshire, including hazardous waste destined for recycling.

(b) In addition to the requirements of Env-Hw 600, a transporter shall comply with the following:

(1) Generator requirements of Env-Hw 500, if the transporter:

- a. Transports hazardous waste into the United States from abroad; or
- b. Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container;

(2) Transfer facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter operates a transfer facility as defined in Env-Hw 104; and

(3) Storage facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter stores hazardous waste in excess of 10 days.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 601.02 Exemptions.

(a) Env-Hw 600 shall not apply to the on-site transportation of hazardous wastes by generators or by owners or operators of permitted hazardous waste facilities.

(b) Env-Hw 600 shall not apply to small quantity generators who self-transport 55 gallons or less of their own hazardous waste provided that:

(1) The waste is transported in:

- a. Containers meeting the DOT specifications for hazardous materials; and
- b. Full, sealed, labeled containers, which are compatible with the waste;

(2) Except as provided in Env-Hw 501.02(c), all manifest requirements of Env-Hw 510 and Env-Hw 604 are met;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) The generator has a mechanism for financial responsibility in the following amounts:

- a. For bodily injury or death of each person in any one accident, \$50,000.00; and
- b. For loss or damage in any one accident to the property of others, \$50,000.00; and

(4) Except as provided in Env-Hw 511.01(f), the waste is transported to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) Env-Hw 600, including the conditions of (b)(1)-(4), above, shall not apply to government entities that accumulate household hazardous waste and transport this waste in accordance with Env-Hw 501.02(b).

(d) Env-Hw 600 shall not apply to universal waste handlers and universal waste transporters transporting universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 602 TRANSPORTER REGISTRATION

Env-Hw 602.01 Transporter Registration Requirements.

(a) No person shall transport hazardous waste into or within the state of New Hampshire without having a transporter registration issued by the department in accordance with Env-Hw 609.

(b) A copy of the transporter's registration confirmation letter shall be displayed upon request of any peace officer or authorized employee of the department.

(c) No person shall neglect or refuse to display said registration confirmation letter nor refuse to surrender it to such officials for examination.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 603 GENERAL REQUIREMENTS

Env-Hw 603.01 Notification.

(a) All hazardous waste transporters who operate from a New Hampshire location shall notify the department prior to conducting any hazardous waste activities covered under the hazardous waste rules.

(b) Subject to (c), below, all transporters that have not previously notified the department shall do so within 30 days of the effective date of any statutory or regulatory amendments which require the transporter to be registered as a New Hampshire hazardous waste transporter.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (c) If a statute sets a different deadline for notification, the statutory deadline shall control.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.02 Notification Information Requirements.

- (a) Notification shall be done by completing a New Hampshire notification form, including the following information:

- (1) Company name and mailing address;
- (2) New Hampshire business location address;
- (3) Contact person, title, and telephone number, and, if available, e-mail address and fax number;
- (4) Transportation method;
- (5) Types of hazardous waste which will be transported; and
- (6) Certification as to the accuracy of the information provided on the notification form.

- (b) All transporters shall notify the department in writing of any changes to the information provided pursuant to (a), above, within 30 days of such a change.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.03 Notification Determination.

- (a) If the department, upon examination of a New Hampshire notification form, finds that the information submitted fails to meet the requirements of Env-Hw 603.02, the department shall notify the transporter in writing of the deficiency.

- (b) Such notice shall specify the grounds on which the notification form is deficient.

- (c) The transporter shall have 30 days from receipt to respond to such notice of deficiency and to explain or correct the alleged deficiency.

- (d) If the transporter does not respond within 30 days, the transporter shall be required to re-notify and submit a new notification form.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.04 EPA Identification Number.

- (a) A transporter shall not transport hazardous wastes without having received an EPA identification number.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Upon determining that a transporter's notification form is complete, the department, with EPA assistance, shall assign an EPA identification number to the transporter.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.05 Packaging, Labeling, and Placarding.

(a) Transporters shall package and label all hazardous waste before and during shipment in accordance with (c) and (d), below, and the requirements of the New Hampshire department of safety as set forth in Saf-C 600.

(b) If a hazardous waste is removed from its container and placed in another container, or if additional hazardous waste is added to the container, the transporter shall comply with the packaging standards set forth in Saf-C 600.

(c) Prior to and during transportation, the transporter shall ensure that each container is labeled and clearly marked with the following:

- (1) The words "Hazardous Waste";
- (2) The applicable New Hampshire or EPA waste number(s); and
- (3) All applicable DOT required information as set forth in 49 CFR Part 172, 10-1-07 edition.

(d) If the label is destroyed or mutilated, if the hazardous waste is removed from its container, or if additional hazardous waste is added to the containers, the transporter shall remove or obliterate all previous labels and, as appropriate:

- (1) Replace the label with a duplicate label; or
- (2) Attach a label stating information pertaining to the hazardous waste now contained in that container.

(e) The transporter shall placard each vehicle with an appropriate warning of the hazardous waste contained therein in a manner approved by the New Hampshire department of safety as set forth in Saf-C 600.

(f) Any tank, barrel, drum, or other packaging of hazardous waste, which is not a part of the vehicle, shall be secured against movement within the vehicle on which it is being transported.

(g) Transporters shall ensure that all containers of hazardous waste are sealed prior to and during transport.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Hw 603.06 Vehicle Identification.

(a) Each transporter shall display the following on both sides of all power or waste carrying units used to transport hazardous waste:

- (1) The name of the company, corporation, association, or proprietorship;
- (2) The city and state where its business office is located; and
- (3) The transporter registration number.

(b) Such lettering shall:

- (1) Be permanent and legible; and
- (2) Contrast with the background.

(c) For (a)(1) and (3), above, the lettering shall be a minimum of 3 inches high.

(d) When a vessel or vehicle which has been registered and marked changes ownership, the registrant shall permanently remove the name and transporter registration number from both sides of all power and waste carrying units transferred to the new owner prior to or upon transfer.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.07 Department of Safety Rules. All hazardous waste transporters shall comply with New Hampshire department of safety rules in addition to Env-Hw 600.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.08 Security.

(a) The transporter shall secure all loads of hazardous waste when left unattended so as to minimize exposure by unauthorized individuals.

(b) Vehicles on which the cargo carrying portion can be closed and locked shall be closed and locked whenever the vehicle is left unattended.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Hw 603.09 Personnel Training. All hazardous waste transporters shall comply with the training requirements specified in 49 CFR Part 172 Subpart H, 10-1-07 edition.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.10 Contingency Plan and Emergency Procedures.

(a) All hazardous waste transporters shall maintain a written current contingency plan and emergency procedures, as specified in (b), below.

(b) The contingency plan and emergency procedures shall include the following information:

- (1) A brief description of the actions the transporter will take in the event of a fire, explosion, or discharge of hazardous waste to the air, soil, or surface water;
- (2) Names, addresses, and home and office telephone numbers of all persons employed by the transporter who are qualified to act as emergency coordinator;
- (3) Telephone number of the department's emergency response team, namely (603) 271-3899, Monday through Friday, 8:00 a.m. to 4:00 p.m.; and
- (4) Telephone number of the New Hampshire state police, namely (603) 271-3636, 24 hours per day.

Source. #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.11 Preparedness and Prevention. All hazardous waste transporters shall:

(a) Comply with the preparedness and prevention requirements specified in 40 CFR Part 265 Subpart C, 7-1-07 edition, if hazardous waste is stored in New Hampshire by the transporter for more than 24 hours; and

(b) Notify local emergency officials that hazardous waste is being stored in New Hampshire for greater than 24 hours.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 603.12 Financial Responsibility. All hazardous waste transporters shall meet the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 604 MANIFESTS

Env-Hw 604.01 General Manifest Requirements.

- (a) The transporter shall not accept hazardous waste without an accompanied manifest signed and completed by the generator in accordance with Env-Hw 510.01, Env-Hw 510.02, and Env-Hw 510.03.
- (b) Each transporter shall sign and date all manifests.
- (c) The initial transporter shall return a signed and dated copy of the manifest to the generator before leaving the generator's property.
- (d) The transporter shall ensure that 5 copies of the manifest accompany the waste at all times during transit.
- (e) A transporter who delivers a hazardous waste to another transporter shall:
 - (1) Obtain the date of delivery and the handwritten signature of that transporter on the manifest;
 - (2) Duplicate one copy of the manifest and retain the duplicate in accordance with Env-Hw 607.01; and
 - (3) Give the remaining copies of the manifest to the accepting transporter.
- (f) Upon delivery to the designated or alternate facility, the transporter shall:
 - (1) Obtain the date of delivery and the handwritten signature of the operator of the designated or alternate facility on the manifest;
 - (2) Retain one copy of the signed manifest in accordance with Env-Hw 607.01; and
 - (3) Give the remaining copies of the signed manifest to the operator of the facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 604.02 Errors/Discrepancies. The transporter shall initial and date any changes to the manifest made by the transporter.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 604.03 Rail and Water Shipments.

- (a) All rail and water shipments shall comply with DOT regulations.
- (b) Transporters of such shipments need not carry a manifest but shall retain a manifest or shipping paper in accordance with Env-Hw 607.03.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) A shipping paper containing all the information required on the manifest, excluding the generator certification and signatures, and, for exports, an EPA acknowledgment of consent, shall accompany the hazardous waste at all times.

(d) The requirements of Env-Hw 604.01(e), (f) and (g) shall not apply to transporters of bulk shipments delivered by water to the designated facility if:

- (1) The transporter delivering the hazardous waste to the initial bulk shipment water transporter:
 - a. Obtains the date of delivery and signature of the water transporter on the manifest;
 - b. Forwards the manifest to the designated facility; and
 - c. Retains a copy of the signed manifest in accordance with Env-Hw 607.01;
- (2) The final water transporter delivering the hazardous waste to the designated facility obtains the date of delivery and handwritten signature of the operator of the designated facility on either the manifest or the shipping paper; and
- (3) Each water transporter retains a copy of the manifest or shipping paper in accordance with Env-Hw 607.03.

(e) For rail shipments, transporters need not comply with the requirements of Env-Hw 604.01(e), (f) and (g), but shall meet the following requirements:

- (1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:
 - a. Sign and date the manifest or shipping paper, acknowledging acceptance of the hazardous waste;
 - b. Return a copy to the delivering non-rail transporter; and
 - c. Forward the remaining copies to:
 1. The next non-rail transporter, if any;
 2. The designated facility, if the shipment is delivered to that facility by rail; or
 3. The last rail transporter designated to handle the hazardous waste in the United States;
- (2) When delivering hazardous waste to a non-rail transporter, a rail transporter shall obtain the date of delivery and handwritten signature of the non-rail transporter on the manifest;
- (3) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter;
- (4) The final rail transporter delivering the hazardous waste to the designated facility shall obtain the date of delivery and handwritten signature of the operator on the manifest, or on the shipping paper if the manifest has not been received by the facility; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(5) All rail transporters shall retain a copy of the manifest and/or the shipping paper in accordance with Env-Hw 607.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 604.04 International Shipments.

(a) A transporter shall not accept hazardous waste intended for export if the transporter knows the shipment does not conform to the EPA acknowledgment of consent, unless:

(1) For exports that are not subject to 40 CFR 262 Subpart H, the transporter ensures that the hazardous waste is accompanied by an EPA acknowledgment of consent attached to the manifest or shipping paper in accordance with 40 CFR 263.20(a)(2), 7-1-07 edition; or

(2) For exports that are subject to 40 CFR 262 Subpart H, the transporter ensures that the waste is accompanied by a tracking document that includes all information required by 40 CFR 262.84, 7-1-07 edition.

(b) Transporters who transport hazardous waste out of the United States shall:

(1) Sign and date the manifest in the international shipments block to indicate the date the hazardous waste left the United States;

(2) Retain one copy of the manifest in accordance with Env-Hw 607.04;

(3) Return a signed copy of the manifest to the generator, the generator state, and the destination nation; and

(4) Give a copy of the manifest to the U.S. customs official at the point of departure from the United States.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 605 RECEIPT OF LIQUID HAZARDOUS WASTE

Env-Hw 605.01 Requirements for Receipt of Liquid Hazardous Waste. Notwithstanding any other requirements of Env-Hw 600, when liquid hazardous waste will be transferred to a tank on the transport vehicle, the transporter shall:

(a) Measure by metering, sticking, or weighing, the amount of liquid hazardous waste collected and transferred to the tank; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (b) Record the amount of hazardous waste measured on the accompanying manifest.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 606 DELIVERY

Env-Hw 606.01 Requirements for Delivery.

- (a) The transporter shall deliver the entire quantity of hazardous waste which the transporter has accepted from a generator or a transporter to:

- (1) A continuing transporter;
- (2) The designated authorized facility on the manifest;
- (3) The alternate facility designated if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
- (4) The facility outside the United States designated by the generator.

- (b) The transporter shall obtain the date of delivery and the handwritten signature from the next transporter or the facility operator on the manifest or shipping paper.

- (c) The transporter shall deliver hazardous waste to a destination as described in (a), above, within 10 days of the time the hazardous waste leaves the generator's facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 606.02 Inability to Deliver. If a transporter is unable to deliver all or part of a hazardous waste shipment, the transporter shall:

- (a) Contact the generator;
- (b) Return the hazardous waste to the generator or deliver the hazardous waste to an alternate permitted facility designated by the generator; and
- (c) Comply with 40 CFR 263.21, 7-1-07 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 607 RECORDKEEPING AND REPORTING

Env-Hw 607.01 Recordkeeping.

(a) Transporters shall keep a copy of each manifest signed by the generator, any prior transporters, themselves, and the next designated transporter or operator of the authorized facility for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(b) Manifests may be retained on microfiche or any other electronic media if certified by an authorized company official and available during inspection by the department.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 607.02 Annual Reporting. Registered transporters who transport used oil pursuant to Env-Hw 807.07 shall meet the annual reporting requirements of Env-Hw 807.07(d) through (g).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6385-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 607.03 Rail and Water Shipments.

(a) In the case of bulk shipments delivered by water to the designated facility, each water transporter shall retain a copy of the manifest or shipping paper signed by the next transporter or designated facility for a period of 3 years from the date of acceptance by the initial transporter.

(b) In the case of rail shipments:

- (1) The initial rail transporter shall retain a copy of the manifest and the shipping paper for 3 years from the date the hazardous waste was accepted by the initial transporter;
- (2) Intermediate rail transporters shall retain a copy of the manifest or the shipping paper for the 3 year period; and
- (3) The final rail transporter shall retain a copy of the signed manifest or the shipping paper if signed by the designated facility in lieu of the manifest for the 3 year period.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; moved by #6385-B, eff 11-26-96 (from Env-Wm 607.02); ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 607.04 Export Shipments. A transporter who transports hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; moved by #6385-B, eff 11-26-96 (from Env-Wm 607.03); ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 607.05 Retention of Records During Enforcement Actions. The period of retention referred to in Env-Hw 607.01, Env-Hw 607.02 and Env-Hw 607.03 shall be extended automatically during the course of any unresolved enforcement action regarding the regulated activities.

Source. #6385-B, eff 11-26-96 (from Env-Wm 607.04, originally #5886, eff 8-26-94); ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 608 EMERGENCY ACTION/REMEDIAL ACTION

Env-Hw 608.01 Immediate Discharge Response Actions.

(a) The transporter shall report any discharge of hazardous waste or any discharge of a material which when discharged becomes a hazardous waste that poses a threat to human health or the environment, for example, into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters.

(b) An air, rail, highway, or water transporter who has discharged hazardous waste shall:

- (1) Immediately notify local emergency officials;
- (2) Immediately, not to exceed one hour from the discovery of the release, notify the department at (603) 271-3899, Monday through Friday, 8:00 a.m. to 4:00 p.m. or the New Hampshire department of safety at (603) 271-3636, 24 hours per day; and
- (3) Comply with all other applicable requirements of 40 CFR 263.30(c) or (d), 7-1-07 edition, including providing any required reports and notifications.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 608.02 Discharge Cleanup.

(a) A transporter shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which when discharged becomes a hazardous waste that occurs while the hazardous waste is under the control of the transporter.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours of the occurrence the transporter shall submit a clean-up plan to the department, within 5 days of the discharge.

(c) The clean-up plan shall:

- (1) Provide for the protection of human health and the environment;
- (2) Provide for the removal and proper disposal of the contamination source;
- (3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and
- (4) Include a time table for completion of the clean-up plan.

(d) The department shall review the proposed clean-up plan and approve it if it determines that the clean-up plan meets the criteria set forth in (c), above.

(e) The transporter shall implement the clean-up plan as approved by the department pursuant to (d), above.

(f) Within 30 days of completion of the clean up, the transporter shall submit a report to the department detailing the actions taken.

(g) If the complete clean up can not be accomplished in accordance with (b) through (f), above, the transporter shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 608.03 Waiver of Manifest, Permit, and Registration Requirements for Emergency Response.

(a) In the event of a discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest, permit, registration or any such requirements if the waiver:

- (1) Is necessary to facilitate a prompt response; and
- (2) Will protect human health and the environment.

(b) A person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

- (1) An unplanned discharge of a hazardous waste;
- (2) An imminent and substantial threat of a discharge of hazardous waste; or
- (3) A discharge of a material which, when discharged, becomes a hazardous waste.

(c) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 609 REGISTRATION OF HAZARDOUS WASTE TRANSPORTERS

Env-Hw 609.01 Registration Process.

(a) As required by RSA 147-A:6, an applicant for a transporter registration shall provide the following information on forms provided:

- (1) The name, address, and telephone number of the transporter;
- (2) The name and title of the contact person;
- (3) The transporter's U.S. DOT motor carrier census number or the interstate commerce commission number, and the transporter's EPA identification number;
- (4) Subject to (b), below, the transporter's U.S. Research and Special Programs Administration ("RSPA") registration number, if applicable; and
- (5) An attestation that the transporter complies with the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition.

(b) In lieu of (a)(4), above, the transporter may provide the hazardous materials registration number as assigned by the Pipelines and Hazardous Materials Safety Administration of the U.S. DOT.

(c) A transporter seeking to renew a transporter registration shall submit the application on or before May 15 of the calendar year.

(d) The department shall return an incomplete transporter registration application to the applicant.

(e) All transporters shall provide, upon the request of the department, copies of the following:

- (1) The name, address, EPA identification number, and phone number of the transporter's principal place of business and any regional offices, if applicable;
- (2) The name, address, phone number, and EPA identification number of any company which owns, in whole or in part, the company that owns the vehicle being inspected, if applicable;
- (3) The names, addresses, titles, and dates of birth of all corporate officers and all stockholders owning greater than 10% of the transporter's outstanding shares or debt equity;
- (4) The names of all individuals or business firms which contract to perform part or all of the transportation of hazardous waste under the transporter's registration;
- (5) The types of hazardous wastes that the transporter transports;
- (6) The generators for whom the transporter transports hazardous waste;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (7) A description of the transporter's introductory and continuing personnel training programs as required by 49 CFR 172 Subpart H, 10-1-07 edition;
- (8) A contingency plan and emergency procedures plan as required by Env-Hw 603.10;
- (9) A copy of the certificate of insurance or other proof of financial responsibility as required by (a)(5), above;
- (10) A list of currently valid hazardous waste transporter permits or registrations from other states, including the state, expiration date, and the years held;
- (11) Copies of any letters of commendation received by the transporter;
- (12) A list of any other names under which the company has been known or done business within the past 5 years;
- (13) Copies of any notices of violation, administrative orders, notices of suspension or denial, and civil or criminal actions completed or pending from or before state or federal agencies;
- (14) A list of any pending suits, including any civil suits in which the company is presently involved as a plaintiff or defendant;
- (15) A list of any environmental permits held by the transporter which have been revoked or suspended; and
- (16) Information regarding any convictions or pleas of guilty or no contest to a felony committed by the transporter or, in the case of a corporation or business entity, of any of its officers, directors, partners, or persons or business entities holding 10 percent or more of its equity or debt liability who has pled guilty or no contest to a felony in any state or federal court during the 5 years before the date of the registration by the transporter.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 609.02 Transporter Registration. A transporter registration shall:

- (a) Not be transferable; and
- (b) Expire on the date specified on the registration.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 609.03 Registration Modification.

(a) The transporter shall notify the department by providing updated information in writing within 15 days of any of the following:

- (1) A name change for the transporter;
- (2) A change in physical location or mailing address of the transporter;
- (3) A change of company contact of the transporter;

- (4) A change in telephone number of the transporter;
 - (5) A change in the EPA identification number of the transporter;
 - (6) A change in ownership or operational control as provided in (b) below; and
 - (7) A change in majority of voting shares to a new individual or entity.
- (b) A change in ownership or operational control of the transporter shall be as follows:
- (1) For a partnership, a change in the majority of general partners;
 - (2) For a corporation, a transfer of all corporate assets or of a majority of voting shares to a new individual or entity;
 - (3) For other organizations, a transfer of the control of the organization to a new individual or entity; and
 - (4) For an individual, transfer of control to another individual or entity.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 609.04 Registration Suspension and Revocation.

(a) The department shall suspend, revoke, or refuse to renew a hazardous waste transporter's authorization to transport hazardous waste if the transporter does not comply with the criteria set forth in Env-Hw 610.02.

(b) Within 30 days of receiving a notice of the department's intent to suspend or revoke a registered transporter's authorization to transport hazardous waste in New Hampshire, the person identified on the registration may request an oral hearing before the department. The oral hearing shall be conducted as an adjudicative proceeding in accordance with the applicable provisions of RSA 541-A and Env-C 200.

(c) Within 30 days of receipt of a notice of decision by the hearing officer regarding a registered hazardous waste transporter's suspension or revocation of authorization to transport hazardous waste in New Hampshire, the transporter may appeal the notice of decision to the waste management council pursuant to RSA 21-O:14.

(d) Within 5 days of suspension or revocation, the transporter shall return all original copies of the registration confirmation letter to the department.

(e) Within 15 days of suspension or revocation, the transporter shall:

- (1) Notify all New Hampshire customers served during prior year that it is not authorized to transport hazardous waste; and
- (2) Publish a notice of suspension/revocation in a statewide newspaper.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 609.05 Registration Denial.

- (a) The department shall deny a registration in accordance with RSA 147-A:6, V(d).
- (b) Within 30 days of receipt of a notice of a registration denial, the transporter may appeal such denial to the waste management council in accordance with RSA 21-O:14.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 609.06 Vehicle and Vessel Requirements.

- (a) Each transporter shall comply with the display requirements of Env-Hw 603.06.
- (b) A copy of the hazardous waste transporter registration confirmation letter shall be carried in each transporter's vehicle or vessel.
- (c) A copy of the hazardous waste transporter registration confirmation letter shall be displayed and surrendered for examination upon request of any federal, New Hampshire, or local law enforcement officer or department representative.
- (d) A copy of the contingency plan shall be carried in each transporter's vehicle.
- (e) The transporter shall carry on board the vehicle spill control equipment such as speedi-dry or absorbent rags.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

PART Env-Hw 610 STANDARDS FOR HAZARDOUS WASTE TRANSPORTERS WHO TRANSPORT HAZARDOUS WASTE IN NEW HAMPSHIRE AND APPLICANTS FOR TRANSPORTER REGISTRATION

Env-Hw 610.01 Background Investigations. The department shall conduct a background investigation of the registrant or applicant to determine whether the registrant or applicant has sufficient reliability, expertise, integrity, and competence to transport hazardous waste in and through New Hampshire.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 610.02 Registrant Integrity and Competence. For the purposes of issuing a transporter registration or renewal registration, suspending, revoking or denying a transporter registration or renewal registration, the department shall conclude that the registrant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste if:

- (a) The registrant continues to transport hazardous waste after allowing the applicable transporter registration(s) to lapse;
- (b) The registrant transports hazardous waste prior to receiving a hazardous waste registration or renewal registration;

(c) The registrant fails to comply with the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition;

(d) Issuance of the registration was based on false or misleading information;

(e) The registrant's activities covered by the registration presents an immediate and substantial threat to human health or the environment;

(f) The registrant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the transporter is complying with the order in accordance with a compliance schedule and is current with all items;

(g) The registrant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or by any state;

(h) The registrant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the transporter is current with all payments;

(i) The registrant owes any fees to the department or by any state, unless the fees are being paid in accordance with a payment schedule and the transporter is current with all payments;

(j) The registrant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(k) The registrant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the applicant is complying in accordance with a compliance schedule and is current with all items; and

(l) Within 5 years of the application date, the registrant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for violation(s) of:

(1) Any registration or permit issued by the department or by any state; or

(2) Any statute or rule implemented by the department or by any state.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

Env-Hw 610.03 Applicant Integrity and Competence. For the purposes of issuing or denying a transporter registration, the department shall conclude that the applicant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste if:

(a) The applicant continues to transport hazardous waste after allowing the applicable transporter registration(s) to lapse;

(b) The applicant transports hazardous waste prior to receiving a hazardous waste registration or renewal registration;

(c) The applicant fails to comply with the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) The applicant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the transporter is complying with the order in accordance with a compliance schedule and is current with all items;

(e) The applicant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or any state, unless the transporter is complying with the order in accordance with a compliance schedule and is current with all items;

(f) The applicant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the transporter is current with all payments;

(g) The applicant owes any fees to the department or by any state, unless the fees are being paid in accordance with a payment schedule and the transporter is current with all payments;

(h) The applicant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(i) The applicant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items; and

(j) Within 5 years of the application date, the applicant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for violation(s) of:

- (1) Any registration or permit issued by the department or by any state; or
- (2) Any statute or rule implemented by the department or by any state.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

APPENDIX

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 600	RSA 147-A:3, IV-VIII; RSA 147-A:6	40 CFR 261; 40 CFR 263